

REMARKS

The present application has been reviewed in light of the Office Action dated January 11, 2008 and the Advisory Action dated April 30, 2008. Claims 1-7 are presented for examination, of which Claims 1 and 6 are in independent form. Claims 1-6 have been amended to define still more clearly what Applicants regard as their invention. Favorable reconsideration is requested.

The Examiner is thanked for the courtesies extended during the telephonic interview held on May 27, 2008 to discuss the rejection in the outstanding Office Action. During the interview, the following recitations of Claim 1 were discussed: 1) “said first format is different from said second format” and 2) “the header identifying at least a status condition.”

Regarding the first recitation, the Examiner argued that two data sets may be interpreted as having different formats if the content of each data set is different. The Examiner also argued that a different data set format does not necessarily indicate a different protocol that specifies a different structure for storage of the data set. Applicants respectfully disagreed with the Examiner’s interpretation of the term “format.”

Regarding the second recitation, the Examiner contends that a header identifying at least a status condition can be reasonably interpreted as a title. Applicants respectfully disagreed. Without conceding the propriety of the rejection, Applicants proposed amending Claims 1 and 6 to further define the term “status condition.” Applicants proposed amending Claim 1 to recite “wherein the status condition indicates

an action to be taken relative to the respective data set.” The Examiner agreed that the proposed amendment overcomes the art of record.

It is believed that this response, in conjunction with the Examiner’s Interview Summary, represents a complete written statement as to the substance of the interview, in accordance with M.P.E.P. § 713.04.

The Office Action rejected Claims 1-7 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Number 6,747,546 (*Hikita*), in view of U.S. Patent Number 4,868,849 (*Tamaoki*), and in view of U.S. Patent Number 6,016,484 (*Williams et al.*, hereinafter “*Williams*”). Applicants respectfully traverse this rejection and submit that amended independent Claims 1 and 6, together with the claims dependent therefrom, are patentably distinct from the cited art for at least the following reasons.

Amended Claim 1 recites, in part, “adding a header to at least one . . . calling card data set[], the header identifying . . . a status condition of the . . . data set[], wherein the status condition indicates an action to be taken relative to the respective calling card data set” (emphasis added).

The Office Action admits that both *Hikita* and *Tamaoki* fail to disclose the claimed header status condition, (Office Action page 5, “*Hikita et al.* in view of *Tamaoki* does not disclose adding a header to at least one of said first and second call carrier data sets, the header identifying at least a status condition . . .”). The Office Action then looks to *Williams* for this teaching.

On page 5, the Office Action states:

Williams teaches a certificate form obtains the information necessary for creating a certificate granting authority to utilize an instrument with a report header 2660 entry field that allows a user to enter information for a display as a

title (i.e. annotation) for the report (i.e. call carrier data set) (column 36, lines 33 to 67; see Figure 26) in order to a customize display to specific transaction records.

(Underlining emphasis added).

The Office Action then reaches the conclusion that:

. . . it would have been obvious to a person of ordinary skill in the art to recognize to add annotation to the data set to identify the transaction title in the report taught by Williams et al. in the data communication system that facilitating a transaction using a plurality of data sets on a calling card of Hikita et al. in view of Tamaoki because having a report header entry field to add annotation to the data set as the title for the report would improve functionality to create a customize to specific transaction records.

Applicants respectfully disagree with the Office Action’s characterization of *Williams*. Initially, the Office Action’s proposed combination of *Hikita*, *Tamaoki*, and *Williams* fails to even address the claimed feature of “adding a header to at least one . . . data set[] . . . the header identifying . . . a status condition of the . . . data set[],” as recited by Claim 1 (emphasis added). Instead, the Office Action appears to assert that it would have been obvious to add *Williams*’s header containing a report title to *Hikita*’s stored data sets, and thus fails to address the claimed status condition feature. Applicants respectfully submit that a report title is simply not analogous to a status condition. Furthermore, *Williams* as a whole is not believed to teach or reasonably suggest “adding a header to at least one . . . data set[], the header identifying . . . a status condition of the . . . data set[],” as recited by Claim 1.

Nonetheless, without conceding the propriety of the rejection, Applicants have amended Claim 1 to recite “the status condition indicat[ing] an action to be taken

relative to the respective calling card data set,” as discussed during the interview of May 27, 2008. As the Examiner agreed during the interview, *Williams*’s report title and the prior art as a whole, all fail to teach or reasonably suggest the amended status condition indicating an action to be taken relative to a data set.

For at least these reasons, Applicants submit that the Office cannot sufficiently establish a *prima facie* case of obviousness against Claim 1, and that the proposed combination of *Hikita*, *Tamaoki*, and *Williams*, even if deemed legally permissible or technically feasible, would fail to arrive at the transaction instrument of Claim 1.

Independent Claim 6 includes features similar to that discussed above with respect to claim 1. Therefore, that claim is also believed to be patentable for at least the same reasons as discussed above.

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Because each dependent claim also is deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

/Jonathan Berschadsky/
Jonathan Berschadsky
Attorney for Applicants
Registration No. 46,551

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

FCHS_WS 2202542_1